

REMARKS and ARGUMENTS

Claims 1, 2, 4, 6, 8-13, 15-18, 21, 24 and 25 are pending in the application.

Claims 1, 13, 21 and 24 are independent claims. Claims 2, 4, 6 and 8-12 depend from independent claim 1. Claims 15-18 depend from independent claim 13. Claim 24 depends from independent claim 23.

Claims 1, 9, 13, 21 and 24 have been amended.

The examiner has rejected claims 1, 2, 4, 6, 8, 9, 11-13, 15-18, 21, 24 and 25 under 35 U.S.C. §102(a) as being anticipated by Gormish *et al.* ("JPEG 2000: Overview," September 2000), hereinafter Gormish.

Independent claim 1 has been amended to comprise the element of:

“retrieving, from said image file on said server, at least one portion of said data bytes, wherein said at least one portion of said data bytes may be combined with said first set of said data bytes to form said customization, and wherein said at least one portion of said data bytes is identified by parsing parts of a main header and at least one of a tile-part header and a packet header in said image file to determine said at least one portion of said data bytes that may be combined with said first set of said data bytes to form said customization;”

which is not taught in Gormish. Furthermore, Gormish is an overview article which suggests web applications that may be available for JPEG 2000 (Gormish, section 4.1). There are no enabling details or teachings in Gormish. As held in *Paperless Accounting, Inc. v. Bay Area Rapid Transit System*, 804 F.2d 659, 665, 231 USPQ 649, 653 (fed. Cir. 1986) and *Akzo N.V. v.*

U.S.I.T.C., 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), a prior art reference must be enabling. Accordingly, Gormish is not a proper prior art reference.

Therefore, claim 1 is allowable as amended. Claims 2, 4, 6, 8, 9, 11 and 12 are dependent on claim 1 and comprise all of the limitations therein. Claims 2, 4, 6, 8, 9, 11 and 12 are therefore allowable.

Independent claims 13, 21 and 24 have been similarly amended as independent claim 1, and arguments to their patentability follow the same rationale as discussed above with respect to independent claim 1. Claims 13, 21 and 24 are therefore allowable in their amended form. Claims 15-18 are dependent on claim 13 and comprise all of the limitations therein. Claims 15-18 are therefore allowable. Claim 25 is dependent on claim 24 and comprises all of the limitations therein, and claim 25 is therefore allowable.

The applicants respectfully request the rejection of claims 1, 2, 4, 6, 8, 9, 11-13, 15-18, 21, 24 and 25 be withdrawn.

The examiner has rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Gormish *et al.* ("JPEG 2000: Overview," September 2000), hereinafter Gormish, in view of Li, C. *et al.* (U.S. Patent No. 6,345,279), hereinafter Li.

Claim 10 is dependent on independent claim 1 and comprises all of the limitations therein. The combination of Gormish and Li does not disclose the element:

"retrieving, from said image file on said server, at least one portion of said data bytes, wherein said at least one portion of said data bytes may be combined with said first set of said data bytes to form said customization, and wherein said at least one portion of said data bytes is identified by parsing parts of a main header and at least one of a tile-part header and a packet header in said image file to determine said at least one portion of

said data bytes that may be combined with said first set of said data bytes
to form said customization;”

of amended claim 1, from which claim 10 depends. Claim 10 is therefore allowable, and the applicants respectfully request that the rejection be withdrawn.

Based on the foregoing amendments and remarks, the applicants respectfully request reconsideration and allowance of the present application.

Respectfully submitted,

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